

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

REYNALDO D. VINLUAN, an individual,

Plaintiff,

v.

FIDELITY NATIONAL TITLE AND
ESCROW COMPANY, a Washington
corporation; UNITED PACIFIC MORTGAGE,
d/b/a AVENTUS, INC., a Washington
corporation; SAXON MORTGAGE SERVICE,
INC., a Texas corporation, OCWEN LOAN
SERVICING, a Florida corporation;
DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR
REGISTERED HOLDERS OF MORGAN
STANLEY ABS CAPITAL I INC. TRUST
2007-NC3 MORTGAGE CERTIFICATES
SERIES 2007-NC-3, a Delaware corporation;
REGIONAL TRUSTEE SERVICE
CORPORATION, a Washington corporation;
and MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a
Delaware corporation,

Defendants.

Case No. 2:10-cv-1289

NOTICE OF REMOVAL

(Clerk's Action Required)

(King County Case No.: 10-2-27688-2 SEA)

TO: Clerk, United States District Court for the Western District of Washington

NOTICE OF REMOVAL – 1

FIDELITY NATIONAL LAW GROUP
A Division of Fidelity National Title Group, Inc.
1200 – 6TH AVENUE, SUITE 1900
SEATTLE, WA 98101
(206) 223-4525

1 Defendant Fidelity National Title And Escrow Company (“Fidelity”) hereby Removes
2 the captioned cause, originally filed in King County, Washington Superior Court, Case
3 number 10-2-27688-2, to the United States District Court for the Western District of
4 Washington. Fidelity Removes the case pursuant to 28 U.S.C. §1331 (federal question), and
5 28 U.S.C. §1441 and 1446, on the following grounds:

- 6 1. On July 29, 2010, Plaintiff REYNALDO D. VINLUAN filed this Complaint in
7 King County, Washington Superior Court, Case number 10-2-27688-2-SEA.
8 Fidelity became aware of the case on August 4, 2010 but has not been properly
9 served.
 - 10 2. This Notice of Removal is timely under 28 U.S.C. §1446(b) because it is within 30
11 days after Fidelity became aware of the case.
 - 12 3. No other parties have appeared in this action, so consent to removal by other
13 defendants is not necessary.
 - 14 4. A copy of the Complaint and other documents filed in the state court action are
15 attached to the Certificate of State Court Record, filed separately. The Complaint
16 alleges violations of federal statutes including the truth in Lending Act, 12 U.S.C.
17 §1601 *et seq.* and the Fair Debt Collection Practices Act, 15 U.C.C. §1962 *et seq.*
18 Plaintiff’s claims arise under federal law and this court has jurisdiction pursuant to
19 28 U.S.C. §1331.
 - 20 5. This Court has supplemental jurisdiction over the remaining state claims pursuant
21 to 28 U.S.C. §1367 and §1441(c).
 - 22 6. The case may be Removed pursuant to 28 U.S.C. §1441(b) and 1446.
- 23

1 7. The original case was filed in King County Superior Court. Accordingly, this case
2 should be assigned to the United States District Court for the Western District of
3 Washington, at Seattle, pursuant to 12 U.S.C. §632 and Local Rule 5(e)(1).

4 8. CTIC will promptly file a copy of this Notice with King County Superior Court
5 and all parties.

6 9. Pursuant to 28 U.S.C. §1332 and 28 U.S.C. 1441(b), no further action may occur
7 in the state court unless and until the action is remanded.

8 Wherefore, Defendant Fidelity respectfully gives notice that the above-entitled action is
9 removed from the King County Washington Superior Court to the U.S. District Court for the
10 Western District of Washington.

11
12 Dated: August 11, 2010

/s/ Matthew Cleverley

13 Matthew R. Cleverley, OSB #93235
14 Fidelity National Law Group
A Division of Fidelity National Title Group, Inc.
1200 – 6th Avenue, Suite 1900
15 Seattle, WA 98101
(206) 223-4525, ext. 103
16 Matthew.Cleverley@fnf.com
Attorney for Fidelity

CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing NOTICE OF REMOVAL on the following individuals in the manner indicated:

Richard Llewelyn Jones	<input checked="" type="checkbox"/> U.S. Mail, proper postage affixed
Richard Llewelyn Jones, P.S.	<input type="checkbox"/> Legal Messenger
1050 112 th Ave NE, Suite 230	<input type="checkbox"/> Facsimile
Bellevue WA 98004	<input type="checkbox"/> Hand Delivery

Dated: August 11, 2010

/s/ Matthew Cleverley

Matthew Cleverley